

Folsom's ruling speeds budget toward passage

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Bills for two state agencies killed to end delay tactics

MONTGOMERY - Senate Democrats used a controversial ruling by Lt. Gov. Jim Folsom on Tuesday to outmaneuver the minority and get the state budgets in position for passage before this session of the Legislature ends in early June.

After a compromise with Gov. Bob Riley, the House passed an expanded \$1.063 billion bond issue for school construction. The bond issue had been \$1.05 billion.

Under the bill, the state bond authority - composed of the governor, finance director and state school superintendent - will continue to control the outlay of interest earned from the bonds.

But a \$44.3 million "incentives" fund would be expanded to \$55 million. It would be controlled by members of the bond authority, the lieutenant governor and the chairmen of the Senate Finance and Taxation Education Committee and House Education Appropriations Committee.

"This just gives some additional input into this commission so the needs of legislators across the state can be addressed," said Rep. Richard Lindsey, D-Centre, chairman of the House Education Appropriations Committee.

Meanwhile, the Senate voted 18-17 to set aside two bills that the minority had been using as leverage in a fight over Senate operating rules.

To break the stalemate, the Democrats voted to kill - at least temporarily - two state regulatory boards.

That cleared the way for the Senate to accept bills from the House, including the education and General Fund budgets and pay raises for public employees.

Riley had urged the minority last week not to let go of two "sunset" measures - bills that would extend the lives of the two agencies - so that he could get a better deal on the budgets in a special session.

Before a packed gallery of teachers and education administrators, however, the Democrats quickly thwarted the GOP's hold card.

The budget and pay raise bills are expected to get a second reading in the Senate on today and could get final passage on Thursday.

Republicans argued the move by Folsom to simply bypass the sunset bills was illegal.

"It's just like a banana republic," said Sen. Arthur Orr, R-Decatur. "It's disheartening that the same gavel that fell on the 62 percent pay raise is the same gavel that was used today to ignore the law. c

Orr said Folsom should have required a three-fifths vote to move past the sunset bills and on to other issues.

But Sen. Lowell Barron, D-Fyffe, said the Senate had no choice but to sacrifice the two regulatory agencies - the Board of Examiners of Landscape Architects and the state Board of Licensure for Professional Engineers and Land Surveyors.

Barron said the move was legal because the Senate indefinitely postponed a vote on the two boards, a move that effectively killed them.

"We allowed the minority to use those two agencies to stall state government for 25 of the 30 legislative days," he said. "That's unconscionable, that's wrong and we put an end to it today. I call upon the governor, I call upon the minority, let's get to work."

Barron termed the minority's complaints about Folsom's ruling as "carping" and called them "lame excuses."

Folsom told reporters he relied on legal advice from attorneys and experts inside and outside the State House in allowing the two sunset bills to be postponed.

He said the Alabama Constitution states that passage of the budgets is "the paramount duty of the Legislature."

"The ruling was based on that wording 'paramount duty of the Legislature,'" he said. "It's important this body pass the budgets. The people of Alabama expect it. That's the primary duty of this legislative body."

Sen. Charles Bishop, R-Jasper, said the abuse of rules was the worst he'd seen during his career in the Senate.

"We lost our ability to maintain integrity in this body. You told us at the beginning you would abide by the rules of the Senate," he said. "Now you change your mind. Now you ignore the rules of the land and are making up rules as you go."

Sen. Vivian Figures, D-Mobile, blamed Riley for the budget crisis.

He "doesn't have to worry about it (budgets) being passed because he's a multimillionaire," she said. "He told the Republican senators to crash and burn this session. I say to the governor, 'You need to get on board and be positive. You are now a lame duck governor.'"

Riley said in a statement that he hoped the Senate would take up some other bills that lawmakers campaigned on during the 2006 elections.

"Sounds like they're making it up as they go along," he said. "I wish they'd use that same maneuver to bring up the PAC-to-PAC transfer ban, four-year appraisals and other reforms they say they support but have ignored."